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March 29, 2024

VIA ECF

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *GEM Yield Bahamas Limited, et al. v. Mullen Technologies, Inc., et al.*, 1:24-cv-01120-KPF
Request to File Documents Under Seal

To the Honorable Katherine Polk Failla:

We are counsel for Petitioners GEM Global Yield LLC SCS and GEM Yield Bahamas Limited.¹ Pursuant to Rule 9(B) of the Court's Individual Rules of Practice in Civil Cases, we write to respectfully request permission to file under seal and redact the identified portions of the following documents that are related to Petitioners' Brief in Further Support of Application to Confirm and Enter Judgment on Interim Measures Arbitration Award and Request to Stay Related Action:

- Petitioners' Brief in Further Support of Application to Confirm and Enter Judgment on Interim Measures Arbitration Award and Request to Stay Related Action: Highlighted portions that quote or refer to potentially confidential documents in the Arbitration, as defined below.
- Ex. 1 to Supplemental Declaration of Jonathan Patchen dated March 29, 2024 (the "Patchen Supp. Decl."): The entire document.
- Exhibit 2 to the Patchen Supp. Decl.: The entire document.

¹ Petitioners GEM Global Yield LLC SCS and GEM Yield Bahamas Limited are referred to as "GEM." Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc. are referred to as "Mullen."

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- Exhibit 3 to the Patchen Supp. Decl.: The entire document.
- Exhibit 4 to the Patchen Supp. Decl.: The entire document.
- Exhibit 5 to the Patchen Supp. Decl.: The entire document.
- Exhibit 6 to the Patchen Supp. Decl.: The entire document.
- Exhibit 7 to the Patchen Supp. Decl.: The entire document.
- Exhibit 8 to the Patchen Supp. Decl.: The entire document.
- Exhibit 9 to the Patchen Supp. Decl.: The entire document.

There is a pending arbitration between GEM and Mullen captioned *GEM Yield Bahamas Limited, et al. v Mullen Technologies, Inc., et al.*, AAA Case No. 01-21-0016-7001 (the “Arbitration”). In the Arbitration, Mullen has taken the position that at least some Arbitration-related materials are confidential and cannot be publicly disclosed. GEM therefore respectfully requests that the Court permit the under-seal filing of the above-identified and unredacted documents.

Respectfully submitted,

/s/ Jonathan A. Patchen

Jonathan A. Patchen